

10/555 470

08/17/2006 11:30 FAX 6145752149

KREMBLAS_FOSTER

001/007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/555,470
 Applicant : Dzwonczyk, et al.
 Filed : 11/02/2005
 Tech. Center/Art Unit : 3736
 Examiner : (Not yet assigned)
 Attorney File No. : OSU 2949 PCT/US
 Customer No. : 002555
 Confirmation Number : 4111
 For : Measuring Human Heart Muscle Viability Using
 : Myocardial Electrical Impedance

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I hereby certify that this correspondence is sent by facsimile to Fax No. 571/273-6500 at the U.S. Patent and Trademark Office, Deposit Account Department, this 17th day of August, 2006.


 Debra A. Bright

Kremblas, Foster, Phillips & Pollick
 Fax No.: 614/575-2149
 No. of pages faxed: 7

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**REQUEST FOR DEPOSIT ACCOUNT
 REFUND DUE TO ERRORS**

Applicant claimed small entity status on the filed Transmittal Letter, a copy of which is appended.

Upon reviewing the undersigned attorney's Deposit Account Statement for the month of July 2006, a copy of which is appended, it was discovered that even though the box was checked by Applicant on the Transmittal Letter To The US Designated/Elected Office to claim small entity status, on July 10, 2006 the Patent Office charged the

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undersigned attorney's deposit account for the Search Fee in the amount of \$100.00 (large entity), when the fee should have been \$50.00 (small entity), and charged an Examination Fee in the amount of \$200.00 (large entity), when the fee should have been \$100.00 (small entity). The Transmittal Letter as filed, was appropriately marked indicating that Applicant claimed Small Entity Status, and therefore small entity fees should have been charged by the Office. By charging large entity fees, the Office overcharged the undersigned attorney's deposit account in the amount of \$150.00.

Also, the undersigned attorney's secretary entered the Basic National Fee of \$300.00 in the appropriate box, but when she checked the box to claim small entity status, she did not reduce the fee by 1/2 to take the reduction of \$150.00 for the small entity fee. Thus, applicant overpaid the National Fee by \$150.00, and that amount should be refunded to the undersigned attorney's deposit account.

Even though applicant had overpaid fees in the amount of \$150.00, the Office charged the undersigned attorney's deposit account for the two above listed fees in the amount of \$300.00 (large entity). If the Office had charged the appropriate small entity Search and Examination Fees in the amount of \$150.00, the overpayment by applicant of the National Fee would have paid for the Search and Examination fees.

In summary, the total amount that was overpaid by applicant and erroneously charged by the Office to the undersigned attorney's deposit account is as follows:

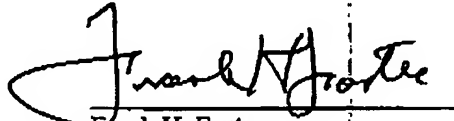
OVERPAID FEE BY ATTORNEY/APPLICANT	\$ 150.00
ERRONEOUS CHARGES BY OFFICE	\$ 150.00
TOTAL TO BE REFUNDED TO DEPOSIT ACCOUNT	\$ 300.00

The undersigned attorney also requests that the computer records of the U.S. Patent and Trademark Office be checked to make certain that the Office records accurately reflect that Applicant is entitled to small entity status.

The examiner is authorized to communicate with the undersigned attorney by email by the following recommended authorization language: Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file. (Authorization pursuant to MPEP 502.03.)

Respectfully submitted,

8/17/06
Date of Signature


Frank H. Foster,
Reg. No. 24,560
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Appended: Copy of deposit account statement
Copy of Transmittal Letter

Last printed 8/17/2006 9:37 AM
C:\client\docs\ohio state university - osu\gen 2049 heart viability dzwoneczyk\usreq for deposit acct refund.doc

Deposit Account Statement

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**United States
Patent and
Trademark Office**

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Deposit Account Statement

Requested Statement Month: July 2006
 Deposit Account Number: 133393
 Name: KREMBLAS, FOSTER, MILLARD & POLLOCK
 Attention: SIDNEY W. MILLARD
 Address: 7632 SLATE RIDGE BLVD
 City: REYNOLDSBURG
 State: OH
 Zip: 43068
 Country: UNITED STATES

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/07-0	10555470	OSU2949PCTUS 1642		\$400.00	\$1,711.00
07/07-10	10555470	OSU2949PCTUS 1633		\$200.00	\$1,511.00
07/07-11	10555470	OSU2949PCTUS 1641		\$100.00	\$1,411.00
07/10-15	10555470	OSU2949PCTUS 1633		\$200.00	\$1,611.00
07/10-16	10555470	OSU2949PCTUS 1641		\$100.00	\$1,711.00
07/10-17	10555470	OSU2949PCTUS 1642		\$400.00	\$2,111.00
* 07/10 18	10555470	OSU2949PCTUS 1641		\$100.00	\$2,011.00
07/10 19	10555470	OSU2949PCTUS 1633		\$200.00	\$1,811.00
07/17 159	10585521	GOTZF 158	1614	\$155.00	\$1,656.00
07/17 161	10585521	GOTZF 158	1616	\$360.00	\$1,296.00
07/17 162	10585521	GOTZF 158	8021	\$40.00	\$1,256.00
07/20 99	60700625		8007	\$60.00	\$1,196.00
07/20 100	11214651		8007	\$60.00	\$1,136.00
START		SUM OF	SUM OF	END	
		BALANCE	REPLENISH	BALANCE	
		\$2,111.00	\$700.00	\$1,136.00	

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